

FILED

MAY 20 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	
)	Case No. CR 10-229-BR
Plaintiff,)	
vs.)	PROTECTIVE ORDER
)	
JOSH HALL, and)	
DAVID VAN BEENEN,)	
)	
Defendants.)	

The parties appeared through their attorneys before Hon. Anna Brown for a hearing on the defendant David VanBeenen's motion of for a protective order concerning an e-mail VanBeenen sent to defense investigator Cristina Castro as well as to Ms. Kirsten Anderson (Anderson), the manager for the State of Oregon's Mortgage Lending Program for the Division of Finance and Corporate Securities. The State of Oregon was represented at the hearing by Kenneth Crowley who appeared by telephone. The court being fully informed made the following findings:

1. Mr. VanBeenen's email was intended to be sent to Ms. Castro only, and was inadvertently sent to Ms. Anderson;
2. Ms. Anderson forwarded the email to Assistant United States Attorney Michelle Kerin;
3. The email contained confidential communications protected by either the work product privilege and/or the attorney-client privilege;
4. Mr. VanBeenen and his attorney took prompt and immediate steps to attempt to rectify the inadvertent disclosure.


Based on these findings, and pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure and Rule 502 of the Federal Rules of Evidence, it is hereby

ORDERED that the United States and the State of Oregon shall:

- (a) Destroy all copies of the email, to the extent feasible given any technical and practical limitations based on the servers and computer systems involved;
- (b) Delete the email from any accessible mailboxes, to the extent it is technically feasible;
- (c) Refrain from accessing the email from its servers;
- (d) Cease any discussions of the contents of the email;
- (e) Cease from referring to the email or using it in any way without further order of the court.

IT IS FURTHER ORDERED that defendant Hall may have leave of court to re-open this matter to seek a determination as to whether the government is obligated to disclose the email or any part of its contents to him.

DATED this 20th day of May 2011.



Hon. Anna J. Brown
United States District Court Judge

Presented by:

Thomas K. Coan
Thomas K. Coan, OSB 89173
Attorney for Defendant Van Beenen